## REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 3-26 and 28 are currently pending. Claim 2 has been cancelled without prejudice or disclaimer; and Claims 1, 15, and 28 have been amended by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.[1]

In the outstanding Office Action, Claims 1-26 and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,678,135 to Fukui et al. (hereinafter "the '135 patent") in view of U.S. Patent Application Publication No. 2002/0140966 to Meade, II et al. (hereinafter "the '966 application").

Amended Claim 1 is directed to

> [a]n image forming apparatus including hardware resources used for image formation, an application for performing processes on the image formation, and a platform that exists between the application and the hardware resources, the platform including an OS and at least one control service to control an execution of each requested processing of the hardware resources according to a function call from the application, wherein interprocess communication is performed between the control service and the application, and a new application that performs interprocess communication with the control service in the same way as the application can be installed in the image forming apparatus, the image forming apparatus comprising:
>
> an installed application storage part;
>
> an application information obtaining part configured to obtain, from the new application, application information of the new application that includes information indicating whether the new application is installable in the installed application storage part; and
>
> a determination part configured to determine whether the new application is installable in the installed application storage part based on the application information.

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[1] See, *e.g.*, page 14, line 19 to page 33, line 7 of Applicants' specification.

Regarding the rejection of Claim 1 under 35 U.S.C. § 103(a), the '135 patent is directed to an image forming apparatus for a multiplex copying system. In particular, the '135 patent discusses that when a new function is added to a copier, the copier cannot exhibit the expected functions sufficiently or at all, unless control programs stored in the copier match the new function.[2] The '135 patent discusses that after the new function has been added to the copier body 301, the copier body 301 compares an ID code, corresponding to version data of the new function, with its own program version. The '135 patent discusses that if the copier body 301 determines that, as a result of the comparison, it cannot deal with the new function sufficiently, it sends the ID code of the new function, its own ID code, and an updating program send request to a CCU 2201. The '135 patent discusses that a managing unit 2203 receives the updating program send request, via the CCU 2201, and searches for adequate programs for version adjustment stored in a database of a memory unit 2402, based on the ID code of the new function and the copier body 301. Then, the '135 patent discusses that the managing unit 2203 dials the CCU 2201 and sends the programs thereto. Further, the '135 patent discusses that in response, the CCU 2201 transfers such data to the copier body 301, which writes them in a nonvolatile RAM 629 or 614. Thereafter, the '135 patent discusses that the copier body 301 controls the new function on the basis of the updating programs.[3]

However, it is respectfully submitted that the '135 patent fails to disclose an application information obtaining part configured to obtain, from the new application, application information of the new application that includes information indicating whether the new application is installable in the installed application storage part. Rather, the '135 patent simply discusses **a peripheral** (*e.g.*, an automatic document feeder 302, a sorter 303, a duplex copy unit 304, a finisher, or a sorter/stapler), having a new function, that is connected

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[2] See '135 patent, column 14, lines 44-48.
[3] Id. at column 15, lines 7-41.

to a copier body 301.[4] As noted above, the '135 patent discuses that, when the new function

is added to the copier body 301, a management system 2206 causes **an external managing**

**unit 2203 to provide updating programs** for controlling the new function, **if the copier**

**body 301 determines** that it cannot deal with the new function sufficiently, or at all. The

'135 patent does not disclose that the peripheral or the updating programs is *a new*

*application*, as defined in Claim 1 (*i.e.*, a new application that performs interprocess

communication with the control service in the same way as the application and that can be

installed in the image forming apparatus). Further, even assuming *arguendo* that the '135

patent discusses "a new application," the '135 patent does not disclose obtaining, *from the*

*new application*, application information of the new application that includes information

indicating whether *the new application is installable* in the installed application storage part.

Further, the Office Action acknowledges that the '135 patent fails to disclose whether

an application is installable in the image forming apparatus, and a determination part

configured to determine whether the application is installable in the installed application

storage part based on the application information.[5] Rather, the '135 patent cites the '966

application for such teachings.

The '966 application is directed systems and methods for managing software updates

for printing systems. In particular, the '966 application discusses replaceable cartridges are

manufactured that include integrated memory (typically in the form of a radio frequency

identification RFID tag) for storing various parameters associated with a printing device that

uses the cartridge. The '966 application discusses that the memory is utilized for storing

information to facilitate notifying a user of the availability of updated software and providing

the user with a relatively easy way to obtain the updated software.[6]

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[4] See '135 patent, Abstract; column 14, lines 43-45; and column 18, line 67 to column 19, line 1.
[5] See Office Action dated March 21, 2008, page 4.
[6] See '966 application, paragraph [0007].

However, it is respectfully submitted that the '966 application fails to disclose an application information obtaining part configured to obtain, from the new application, application information of the new application that includes information indicating whether the new application is installable in the installed application storage part. Rather, the '966 application simply discusses that, in one implementation, **software update information 336 contains a version number of the latest software** available for a printing system 300 or a pointer to such information. The printing system 300 compares the version number against a version number of the current software and, if the version number included with a toner cartridge 322 indicates that a newer version of the software is available, a printing system user locates the update and installs it in the printing system upon authorization from the user.[7] The '966 application does not disclose that the software update information 336 or the update is *a new application*, as defined in Claim 1 (*i.e.*, a new application that performs interprocess communication with the control service in the same way as the application and that can be installed in the image forming apparatus). Further, even assuming *arguendo* that the '966 application discusses "a new application," the '966 application does not disclose obtaining, *from the new application*, application information of the new application that includes information indicating whether *the new application is installable* in the installed application storage part.

Thus, no matter how the teachings of the '135 patent and the '966 application are combined, the combination does not teach or suggest the application information obtaining part defined in Claim 1. Accordingly, it is respectfully submitted that Claim 1 (and all associated dependent claims) patentably defines over any proper combination of the '135 patent and the '966 application.

Amended Claims 15 and 28 recite, in part,

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[7] See '966 application, paragraph [0043].

> [[a]] method for installing applications in an image
> forming apparatus an image forming apparatus including
> hardware resources used for image formation, an application
> for performing processes on the image formation, and a
> platform that exists between the application and the hardware
> resources, the platform including an OS and at least one control
> service to control an execution of each requested processing of
> the hardware resources according to a function call from the
> application, wherein interprocess communication is performed
> between the control service and the application, and a new
> application that performs interprocess communication with the
> control service in the same way as the application can be
> installed in the image forming apparatus, the method
> comprising:
>
> obtaining, from the new application, application
> information of the new application that includes information
> indicating whether the new application is installable in the
> image forming apparatus.

As noted above, the '135 patent and the '966 application, alone or in proper combination, fail to disclose the application information obtaining part recited in Claim 1. Thus, the '135 patent and the '966 application fail to disclose the steps of obtaining recited in Claims 15 and 28, respectively. Accordingly, it is respectfully submitted that Claims 15 and 28 (and all associated dependent claims) patentably define over any proper combination of the '135 patent and the '966 application.

Thus, it is respectfully submitted that independent Claims 1, 15, and 28 (and all associated dependent claims) patentably define over any proper combination of the '135 patent and the '966 application.

Consequently, in view of the present amendment and in light of the above discussion,

the outstanding grounds for rejection are believed to have been overcome. The application as

amended herewith is believed to be in condition for formal allowance. An early and

favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number
# 22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 03/06)
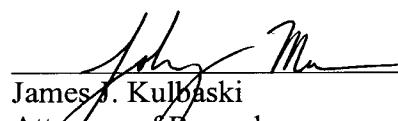
James J. Kulbaski
Attorney of Record
Registration No. 34,648
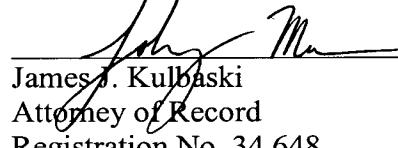
Johnny Ma
Registration No. 59,976

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